IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.4217 of 2001

DATED 30-8-2007

BETWEEN

Smt.Malina Gunnamma

.. Petitioner

And

The Urban Land Ceiling Authority,
Visakhapatnam, Siripuram, Visakhapatnam.

.. Respondent

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.4217 of 2001

Oral Order:

The petitioner statedly purchased an extent of 80 square yards in Survey No.100/3 (part) situate at Ranapratap Nagar, Marripalem, Visakhapatnam from one Manda Suresh. It is her case that before entering into the sale transaction, her vendor approached the respondent under Section 26 of the Urban Land (Ceiling and Regulation) Act, 1976 ('the Act' for brevity) and that the respondent gave an endorsement on 13.10.1999 informing that the authority does not exercise her first option to buy the land. The petitioner is allegedly in possession of the land.

This writ petition is filed alleging that on 10.3.2001, the staff from the office of the respondent made attempts to high handedly demolish the house without issuing any notice. Hence, in this writ petition, the petitioner inter alia seeks a direction to the respondent not

to demolish her house.

A counter affidavit is filed by the Special Officer and Competent Authority of Visakhapatnam Urban Agglomeration. It is stated that one Shaik Ushan Ghani filed a declaration in respect of land comprised in Survey No.100/11A, (part), Marripalem Village as he was declared as surplus landholder. After taking possession, the land was handed over to Visakhapatnam Urban Development Authority as per the orders of the Government in G.O.Ms.No.166, Revenue (UC-1) Department dated 3.3.2001. It is alleged that the petitioner after obtaining endorsement under Section 26(2) of the Act in respect of 80 square yards of land in Survey No.100/3 (part), Marripalem, occupied the surplus land situate in S.No.100/11A (Part) Marripalem and raised a thatched house and, therefore, action was initiated to evict the petitioner. Even before proper notice could be issued, the present writ petition is filed.

A counter affidavit is filed before this Court on 20.9.2007. However, when the matter was called on 9.8.2007, learned counsel for the petitioner submitted that the counter copy was served on her on that day and she sought time for filing reply affidavit. Accordingly, the matter was adjourned to today. Today, when the matter is coming up for final hearing, learned counsel for the petitioner is absent and there is no representation. This Court has perused the counter affidavit and has no reason to disbelieve the same. The counter affidavit avers that even before action is initiated against the petitioner, the present writ petition is filed. Therefore, the respondent may issue a notice to the petitioner before evicting her from the land.

The writ petition is accordingly disposed of. No costs.

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V.V.S.RAO,J

Dated 30.8.2007

msv